



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,034	06/23/2000	Jeffry Jovan Philyaw	PHLY-25,337	9028

25883 7590 02/02/2004

HOWISON & ARNOTT, L.L.P.  
P.O. BOX 741715  
DALLAS, TX 75374-1715

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/602,034

Applicant(s)

PHILYAW, JEFFRY JOVAN

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- Th MAILING DATE of this communication app ars on the cover sheet with the corr spondenc addr ss --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

This Office Action is responsive to Applicant's amendment file on November 6, 2003. Claims 19 and 20 have been cancelled. Claims 1-18 are presented for further examination.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tendler.

As per claims **1** and **10**, Tendler discloses a method and apparatus for accessing information over a network from a remote location on the network for delivery to a user PC, comprising the steps of:

- providing a functional mode on a cellular telephone for web access (service request) over the network (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54);
- associating at least a button on the cellular telephone with the functional mode (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54);
- activating the button on the cellular telephone to activate the functional mode when the user is in proximity to the user PC and transferring to the user PC, control information,

Art Unit: 2157

- which control information has no routing information contained therein that would uniquely identify the location of the remote location on the network (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54); and
- in response to activation of the functional mode, the user PC then utilizing the control information received from the cellular phone to access information from the remote location on the network for delivery to the user PC and display thereof on a display associated with the user PC (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54);

However, Tendeler does not explicitly disclose providing a functional mode on a cellular telephone for web access and associating at least one button on the cellular telephone with the functional mode.

Tendeler discloses a wireless phone that associates at least one button location of service request with a service request in which the user can depress a button to locate a service within the proximity of the user.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Tendeler by specifying a button on the phone with the functional mode for web access over the network in order to locate services or information within proximity of a user in a timely and efficient manner..

As per claims 2 and 11, Tendeler discloses:

- wherein the functional mode has associated therewith a unique code, that comprises the control information, which unique code is associated with the remote location, such that the user PC is controlled in accordance with the unique code to access the

predetermined remote location (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54).

As per claims 3 and 12, Tendeler discloses:

- wherein the step of providing the functional mode comprises storing the unique code in the cellular telephone, which unique code is associated in the step of associating with the button, such that the unique code is output as a function of activation of the button in the step of activating for delivery to the user PC in the step of controlling (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54).

As per claims 4 and 13, Tendeler discloses:

- wherein the step activating comprises transmitting the unique code to the user PC and the user PC further including the step of receiving the unique code from the cellular telephone and, in response thereto, accesses the information from the remote location on the network (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54).

As per claims 5 and 14, Tendeler discloses:

- wherein the step of transmitting comprises transmitting via a wireless mode (col. 4, lines 6-28).

As per claims 6 and 15, Tendeler discloses:

- wherein the step of transmitting via the wireless mode includes transmitting via an optical link (col. 7, lines 1-24).

As per claims 7 and 16, Tendeler discloses wherein the step of controlling the user PC further comprises the steps of:

Art Unit: 2157

- receiving the unique code (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54);
- transmitting the unique code to an intermediate node on the network (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54);
- providing a relational database at the intermediate node on the network having contained therein a relational table between one or more unique codes and corresponding location information of the network (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54);
- comparing the unique code transmitted to the intermediate node with location that resides in the informational database and, if there is a match transmitting the matched location information back to the user PC (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-65); and
- connecting the user PC to the remote location in accordance with the matched location information returned thereto from the intermediate node (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-65).

As per claim 8 and 17, Tendeler discloses:

- wherein the step of transmitting comprises an audio signal wherein the step of receiving comprises receiving and detecting the audio signal and extracting the information in the unique code therefrom (abstract, col. 2, lines 59-62, col. 3, lines 57-67, col. 4, lines 6-28, col. 5, lines 6-14 and lines 44-54).

As per claims 9 and 18, Tendeler disclose:

- wherein the network is a global communication network (abstract and col. 4, lines 6-28).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

The Office notes the following arguments:

(a) The Lavin reference was provided for the purpose of illustrating navigation control. The Lavin reference is a system that provides a hot key function that will provide web access over the phone itself. There is no control of the user PC, as this is basically a WAP type of phone.

Neither the phones in O'Cinniede or Lavin discloses the use of a phone have associated therewith a functional key that is operable to transmit "control information" that is unique to the remote location but has no routing information contained therein. It is the user PC that utilizes this information to then access a particular remote location on the web. As such, Applicant believes that Lavin and O'Cinniede taken singularly or in combination do not anticipate or obviate Applicant's present inventive concept as defined by the amended claims.

In considering (a), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,148,405 to Liao et al

Art Unit: 2157

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.


The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
January 25, 2004

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100